

# MEMO ENDORSED

## Via ECF

The Honorable William H. Pauley III  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Application granted.

The oral argument scheduled for March 15, 2017  
is rescheduled to March 21, 2017 at 11:00 a.m.

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

3/9/17

Re: *In re: Topical Corticosteroid Antitrust Litigation*, 16-mc-7000  
*In re: Clobetasol Antitrust Litigation*, 16-mc-7229  
*In re: Desonide Antitrust Litigation*, 16-mc-7987  
*In re: Fluocinonide Antitrust Litigation*, 16-mc-8911

Dear Judge Pauley:

This letter is written on behalf of all parties to propose a change in the schedule for oral argument on matters presently before the Court.

The Court currently has two hearings scheduled in these actions: (1) oral argument on Defendants' motion to stay discovery on March 15, 2017 at 12:00 p.m. and (2) a pre-motion conference on Defendants' proposed motions to dismiss on March 21, 2017 at 11:00 a.m. Briefing on Defendants' motion to stay discovery will be complete by March 10, and Plaintiffs' response to Defendants' pre-motion conference letter is also due on March 10. *See* Amended Master Case Order No. 1, 16-mc-07000-WHP, ECF No. 8, ¶¶ 24-27; Master Case Order No. 4, 16-mc-07000-WHP, ECF No. 11.

The Court will be called upon to make an initial assessment of the merits of Defendants' motions to dismiss in connection with both the motion to stay discovery and the pre-motion conference on the motions to dismiss. *See, e.g., In re Currency Conversion Antitrust Litig.*, 2002 WL 88278, at \*1 (S.D.N.Y. Jan. 22, 2002) (in deciding motion to stay, this Court considered whether the motions to dismiss "appear[] to have substantial grounds"); *see also* Defendants' Motion to Stay Discovery, 16-mc-07229-WHP, ECF No. 60 at 4-8. The issues to be addressed at the March 15 hearing on Defendants' motion to stay discovery will therefore overlap in substantial part with the issues to be addressed at the March 21 pre-motion conference on Defendants' motions to dismiss.

We respectfully suggest that the Court may wish to combine the hearing on the motion to stay and the pre-motion conference on the motions to dismiss, and hold a single hearing on March 21. Whether or not the Court chooses to adopt the foregoing suggestion, all parties are available to appear on both March 15 and March 21 and no party seeks to adjust the briefing deadlines set forth in Master Case Orders No. 1 and 4.

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We appreciate the Court's attention to this matter.

Respectfully submitted,

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### ATTESTATION STATEMENT

I, Daniel C. Girard, am the ECF User whose identification and password are being used to file this letter and pursuant to Southern District of New York's ECF Rules & Instructions 8.5(b). I attest under penalty of perjury that concurrence in this filing has been obtained from counsel.

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